

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTMAR WITTINE,

Plaintiff, No. CIV S-03-1676 LKK PAN P

vs.

F.T. DESCHLER, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed June 8, 2005, plaintiff's complaint was dismissed with leave to file an amended complaint. On June 20, 2005, plaintiff filed a second amended complaint. On August 5, 2005, the previously assigned magistrate judge issued findings and recommendations recommending that this action be dismissed. On September 15, 2005, the district court declined to adopt the findings and recommendations and remanded the case for further proceedings consistent with that order.

The second amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants: Lt. F.T Deschler, Captain Nick Dawson, Appeals Coordinator S. Ransdell, Chief Linda L. Rianda, Associate Warden S.W. Ornoski and Warden Charles Ransdell.

2. The Clerk of the Court shall send plaintiff six USM-285 forms, one summons, an instruction sheet and a copy of the second amended complaint filed June 20, 2005.

3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:

- a. The completed Notice of Submission of Documents;
 - b. One completed summons;
 - c. One completed USM-285 form for each defendant listed in number 1 above; and
 - d. Seven copies of the endorsed second amended complaint filed June 20, 2005.

4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

DATED: March 9, 2006.

John J. Moulton
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION

Defendants. OF DOCUMENTS

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Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the Second Amended Complaint

DATED:

Plaintiff